

REMARKS

This application has been reviewed in light of the Final Office Action dated September 17, 2004. Claims 1-15 are in this application. Claims 1, 8, 10 and 12 are in independent form. Claims 1 and 10 have been amended. Favorable reconsideration is requested.

Applicants note that Claims 8, 12 and 13 have been allowed, and the indication that Claims 4, 5, 9, 11, 14 and 15 contain allowable subject matter.

Claims 1 and 10 were rejected under 35 U.S.C. § 102(e), as anticipated by U.S. Patent 6,238,065 (*Jones* '065). Claims 2, 3, 6 and 7 were rejected under 35 U.S.C. §103(a) as being obvious from *Jones* '065. These rejections are respectfully traversed.

As a threshold matter, Applicants are surprised that claim 10 was rejected along with claim 1. The Office Action contends that *Jones* discloses all of the features recited in claim 1, but does not contend that *Jones* discloses certain features of claim 10 (specifically, the feature of the lamp, reflector and microprisms being elongated). And, in fact, we note that in paragraph 2 of the "Allowable Subject Matter Section" (see pp. 4-5 of the Office Action), the Examiner finds that the cited art does not show those features. Applicants therefore respectfully submit that independent claims 8 and 10 should have been properly allowed, and respectfully request the Examiner to remove the Section 102 rejection.

In any case, as recited in independent claim 1, the present invention relates to a luminaire that includes a lamp, and a reflector that has an emission opening and surrounds the lamp. The luminaire further includes an optical element that is arranged in or before the emission opening, to deflect light beams which enter a light entry surface and exit a light exit. The optical element has a plate-like core of transparent material occupied on the light entry surface with tapered microprisms, formed furrows. And in accordance with claim 1, each of the said microprisms has on at least two sides roots from which the microprisms taper. This combination of features is neither taught nor suggested by the cited prior art.

Independent claim 10 also relates to a luminaire, and recites many of the features recited in claim 1, as well as others. Like claim 1, independent claim 10 recites microprisms that have on at least two sides roots from which the microprisms taper.

Jones relates generally to a purportedly non-glaring, aesthetically pleasing lighting fixture, and discloses a so-called “structure 60” that passes light. *Jones* teaches various alternatives for its structure 60, including: lenslettes having a convex outer surface and planar inner surface (Fig. 15); lenslettes having a planar outer surface and convex inner surface (Fig. 16); lenslettes having convex outer and inner surfaces (Fig. 17); lenslettes having concave outer and inner surfaces (Fig. 18); lenslettes having a concave outer surface and a convex inner surface (Fig. 19); step lenslettes (Fig. 20); and lenslettes in which each one can have a different purpose than its neighbor (Fig. 21).

The Office Action contends that from Figs. 12 and 13 “it can clearly be seen that [elements] 70 are prismatic in structure,” and thus concludes that *Jones* shows tapered microprisms 60, 70 formed by furrows, having roots from which the microprisms taper. Office Action at 6. Applicants respectfully disagree, and respectfully maintain that the elements 70 are lenslettes, as they are called in the specification.

But in any case, the elements 70, even if analyzed from the manner in which they are depicted in Figs. 12 and 13, clearly are not microprisms which have on at least two sides roots from which they taper, as is recited now in both claim 1 and claim 10. Absent that teaching, Applicants respectfully submit that *Jones* cannot possibly anticipate claim 1 or 10, and respectfully request the Examiner to remove the Section 102 rejection.

The other rejected claims in this application depend either from independent Claim 1 or 10, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request

favorable reconsideration and early passage to issue of the present application.

CONCLUSION

This Amendment After Final Action is believed to clearly place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116.

Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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